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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,592	08/28/2001	Yoshio Komaki	018656-243	3266

7590 11/01/2005

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EXAMINER

CHOOBIN, BARRY

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,592

Applicant(s)

KOMAKI, YOSHIO

Examiner

Barry Choobin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3, 6-10 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekine et al (US 6,049,354) in view of White et al (US 5,721,427).

As to claims 1, 7, 9, 10, 12 and 13, Sekine et al disclose a motion image processor, comprising: an acquiring portion for acquiring scene change information indicating a scene change in a motion image (fig.5); and a determining portion for selecting, when the scene change information is acquired, a correction process for the motion image until next scene change information is acquired (fig.5).

Sekine et al does not expressly disclose a selection for selecting one of plurality of corrections processes.

White et al disclose a scene base non uniformity correction processor incorporating motion triggering comprising a triggering circuit which selectively enables the scene based non-uniformity correction circuit to update the current scene based no

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uniformity correction terms in response to a motion signal from a motion detector (column 2, lines 20-26).

White et al and Sekine et al are combinable because they both deal with the image scene change and correction base on the image scene change.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify or incorporate the Sekine et al with the White et al processor in order to reduce the noise and reduce image degradation (column 1, lines 50-57).

The motivation for doing so would have been to overcome the need for a system that continually corrects for focal plan array no uniformities as required by changing condition.

As to claim 2, Sekine et al disclose the motion image processor as claimed in claim 1 (see claim 1 above), further comprising a corrector for correcting the motion image in accordance with the correction process until the next scene change information is acquired (fig.5).

As to claims 3, 6 and 8, Whiten et al disclose the method of claim 1 (see claim 1 above), further comprising storage for storing a plurality of correction processes beforehand (correction terms 56 are previously stored).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekine et al and White et al as applied to claims 1, 7, 9 and 12 above, and further in view of Prentice et al (US Pub 2003/0030729).

As to claims 15-19, Sekine et al and White et al fail to disclose correction process that corrects the image in terms of at least one of tone, hue, chroma, brightness and contrast.

Prentice et al disclose a Dual mode imaging and camera system comprising a motion image processing path in which a correction is performed using values for brightness, contrast, hue and white balance correction (fig. 7).

Prentice et al is combinable with Sekine and White because they are concerned about image correction in motion.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the system of Prentice et al with Sekine et al and White et al in order to allow for optimization of the processing in separate modes.

Allowable Subject Matter

6. Claims 4, 5, 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 571-272-7447. The examiner can normally be reached on M-F 7:30 AM to 18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WU JINGGE can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Barry Choobin
10/27/05